



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3501 FAX (603) 271-6683



Susan Hinchliffe
14 Timberland Drive
Franklin, NH 03235

RE: Pine Grove Campground

ADMINISTRATIVE ORDER

No. WD 2001-12
February 20, 2001

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Susan Hinchliffe, pursuant to RSA 485-A:42. This Order is effective on issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 6 Hazen Drive, Concord, New Hampshire.
2. Susan Hinchliffe is an individual having a mailing address of 14 Timberland Drive, Franklin, NH 03576.

C. STATEMENT OF FACTS

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual subsurface sewage disposal systems ("septic systems") thereon. Pursuant to rulemaking authority conferred thereby, the Commissioner of DES has adopted Env-Ws 1000 to implement this program.
2. RSA 482-A:29 requires plans to be submitted for approval by DES for subdivisions and septic systems.
3. Env-Ws 1005.12(e) requires recreational campgrounds to obtain subdivision approval to ensure that the site is capable of handling the volume of wastewater proposed to be discharged thereto. Env-Ws 1005.12(a)-(c) requires recreational campgrounds to provide septic systems for all sites at which pressurized water hook-ups are available and to provide appropriate means for sanitary waste disposal at all other sites. Env-Ws 1005.12(d) provides that campgrounds in operation prior to September 5, 1990 must comply with these requirements no later than September 5, 2000.
4. Susan Hinchliffe is the owner of record of certain property located at Timberland Drive, in the Town of Franklin, NH, known as the Pine Grove Campground, and more particularly described in the Town of Franklin tax maps as Map #69, Lot #002 ("the Property").

5. According to DES records, none of the campsites at the Property has been provided with septic systems or other appropriate means of sanitary waste disposal.
6. On May 9, 2000, DES notified Susan Hinchliffe by certified letter, return receipt requested, that DES records indicated that the Property contained no campsites served by DES-approved septic systems.
7. By certified letter dated November 16, 2000, DES notified Susan Hinchliffe of the need to comply with Env-Ws 1005.12. To date, DES has received no application for subdivision or for any septic systems at the Property from or on behalf of Susan Hinchliffe.

D. DETERMINATION OF VIOLATIONS

1. Susan Hinchliffe has violated RSA 485-A:29 by failing to obtain subdivision approval for the Property.
2. Susan Hinchliffe has violated RSA 485-A:29 by failing to obtain construction and operational approvals for septic systems for the campsites at the Property.

E. ORDER

Based upon the above findings and determinations, DES hereby orders Susan Hinchliffe as follows:

1. Immediately cease operation of all campsites at the Property.
2. Obtain subdivision approval for the Property from DES by February 28, 2000.
3. Obtain construction approval for all campsites at the Property by March 15, 2001
4. Obtain operational approval for all septic systems for the Property by April 10, 2001

Please address any correspondence to:

Richard J. de Seve
DES Water Division - Subsurface Systems Bureau
PO Box 95, 6 Hazen Drive
Concord, NH 03302-0095
Fax: (603) 271-6683
Email: rjdeseve@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council, by filing an appeal that meets the requirements of Env-WC 200. Copies of the rules are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing this Order does not automatically relieve Susan Hinchcliffe of her obligation to comply with this Order.

A copy of this Order is being sent to the Merrimack County Registry of Deeds for recordation so as to run with the land.

Please note that RSA 485-A:43, IV provides for civil and criminal penalties and administrative fines for the violations noted in this Order, as well as for failure to comply with this Order.

Please be advised that, if you fail to obtain the approvals cited in Section E. Order above by the April 10, 2001 deadline, DES will request that the New Hampshire Department of Justice seek an injunction in the Cheshire County Superior Court to prevent the opening of the Pine Grove Campground in 2001.

COPY

Harry T. Stewart, P.E., Director
Water Division
Department of Environmental Services

COPY

Robert W. Varney, Commissioner
Department of Environmental Services

RWV/HTS/RJD

CERTIFIED MAIL/RRR/P7099 3400 0003 0695 9170

cc: Michael Walls, Esq., NHDOJ

Gretchen Rule, Esq., DES Enforcement Coordinator

Mayor and City Council, City of Franklin

Merrimack County Registry of Deeds